

Message

From: Wakefield, Benjamin J. [wakefield.benjamin@epa.gov]
Sent: 7/23/2020 6:12:27 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
CC: Cole, Joseph E. [cole.josephe@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]
Subject: RE: EPA Response to TCVP Petition
Attachments: Filed Notice of TCVP Decision.pdf

Eric,

Thank you very much!

- Ben

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Thursday, July 23, 2020 1:44 PM
To: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Subject: RE: EPA Response to TCVP Petition

Ben,

Here is a copy of the filed notice.

From: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Sent: Thursday, July 23, 2020 12:23 PM
To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: EPA Response to TCVP Petition

Eric,

Attached, please find our few comments and suggested edits.

Thank you very much!

- Ben

Benjamin J. Wakefield
U.S. Environmental Protection Agency
Office of General Counsel, Pesticides & Toxic Substances Law Office
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From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, July 22, 2020 5:10 PM
To: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Cc: Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: Re: EPA Response to TCVP Petition

That's fine Ben.

On Jul 22, 2020, at 5:08 PM, Wakefield, Benjamin J. <wakefield.benjamin@epa.gov> wrote:

Eric,

Thank you very much for putting this together so quickly. There's been a lot going on today, and I'll have to ask that we get back to you tomorrow with any comments.

Thanks again!

- Ben

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, July 22, 2020 3:13 PM
To: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Cc: Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: EPA Response to TCVP Petition

Attached for your review and comment is a draft notice to the court regarding the decision. Note that I did include an explicit representation that EPA's decision is a final decision subject to judicial review. That tracks the language in the court's opinion, which provides that the court will retain jurisdiction unless there is a judicially reviewable final action. So making that representation is intended to help persuade the court to dismiss the case from its docket and to dissuade NRDC from responding with a motion requesting that the court retain jurisdiction. But even with that representation about available judicial review, **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Wakefield, Benjamin J. [<mailto:wakefield.benjamin@epa.gov>]
Sent: Wednesday, July 22, 2020 12:04 PM
To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Cc: Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: EPA Response to TCVP Petition

Eric,

I just heard from my Front Office that they agree with your suggested approach.

Thanks.

- Ben

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, July 22, 2020 11:25 AM
To: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Cc: Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: EPA Response to TCVP Petition

Okay. In the meantime, I can go ahead and draft a notice. I'm thinking we should keep it short and not get into the details of EPA's reasoning. So we would just relay that EPA had taken a final denial action and attach the action as an exhibit.

From: Wakefield, Benjamin J. [<mailto:wakefield.benjamin@epa.gov>]
Sent: Wednesday, July 22, 2020 11:15 AM
To: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Cc: Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: EPA Response to TCVP Petition

Eric,

I was going to ask you that very question. Of course, I'll need to run this up the chain. I'll get back to you as soon as I have some direction from my management.

Thanks.

- Ben

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, July 22, 2020 11:09 AM
To: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Subject: FW: EPA Response to TCVP Petition

Ben,

Now that the final denial action has been taken, I think we should go ahead and prepare a short notice for the court apprising them that the final denial action has been taken and reminding the court that per the terms of the court's order, the matter may be closed. I suppose it's possible NRDC will find some basis for objecting to the court closing the case, but I suggest we go ahead and file this kind of notice. And if NRDC makes some request to keep the case open, we'll figure out how to respond at that point. Does this make plan make sense to you?

Eric

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, July 21, 2020 3:14 PM
To: ifein@nrdc.org; mwu@nrdc.org; pdemarco@nrdc.org
Cc: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>; Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>
Subject: EPA Response to TCVP Petition

Dear Ms. Wu, Mr. Fein, and Mr. DeMarco:

Enclosed please find the U.S. Environmental Protection Agency's (EPA or the Agency) response to your Petition entitled "Petition to Cancel All Pet Uses for the Pesticide Tetrachlorvinphos," dated April 23, 2009 and submitted by the Natural Resources Defense Council (NRDC) under the Administrative Procedure Act (APA), 5 U.S.C. § 551, et seq. Also enclosed is the Agency's transmittal letter summarizing EPA's response.

Attached to the enclosed Petition response are the EPA's revised residential exposure and risk assessment, *Tetrachlorvinphos: Revised Residential Exposure and Risk Assessment for the Registered Pet Product Uses* and the addendum to that revised risk assessment *Tetrachlorvinphos: Addendum to the Revised Residential Exposure and Risk Assessment for the Registered Pet Product Uses*. The Petition response including the attached risk assessment and addendum will be posted to public docket for the Petition, EPA-HQ-OPP-2009-0308, and the risk assessment and addendum will also be posted to the public docket for TCVP registration review, EPA-HQ-OPP-2008-0316 in www.regulations.gov.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
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Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
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